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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,098	10/22/2003	Michael J. Wookey	30014200-1113	4762
58328	7590	10/17/2007		
SUN MICROSYSTEMS C/O SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080			EXAMINER PHAM, MICHAEL	
			ART UNIT 2167	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,098

Applicant(s)

WOOKEY, MICHAEL J.

Examiner

Michael D. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claim Status

1. Claims 1-14 are pending.

Claim Objections

2. Objection to claim 14, has been respectfully withdrawn.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Prior rejection under 35 U.S.C. 101 for claim 7 is respectfully withdrawn.
5. Prior rejection under 35 U.S.C. 101 for claim 14 is respectfully withdrawn.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6021443 by Bracho et. al. (hereafter Bracho).

Claim 1:

Bracho discloses the following claimed limitations:

“providing a datatype having a metadata that describes a data and a reference to the data” (col. 2 l. 64-67 to col. 3 l. 1-5, describes event types. Hub data structure (metadata describes data). Hub data structure indicates which neighbor hub is on a least cost path between publisher and subscriber. Hence reference to data)

“the data being maintained separately from the datatype” (c. 2 l. 13-15, publisher’s publish events (datatype). Subscribers subscribe to events (data) that match criteria defined by subscriber.),

“the metadata including a key that enables the datatype to be joined with other datatypes having the key in their respective metadata” (c. 2 l. 23-25, each subscriber is guaranteed to receive all events published on the system if, and only if, they match the subscription criteria specified by the subscriber. Col. 16 lines 23-25, present invention may set up a joint territory agreeing upon some event types and a format to be shared. Col. 16 lines 25-27, the hubs connecting the two companies will only forward events of this joint territory, since the information is kept as part of the advertisement.); and

“publishing the datatype” (abstract, published events),

“a subscriber asynchronously receiving the datatype responsive to subscribing to the datatype” (col. 2 l. 19-23, publication and subscription are preformed asynchronously. The

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system receives published event from a publisher and routes the event to all appropriate subscribers),

“subscribing to the other datatypes responsive to identifying the key in the received data type” (col. 5 l. 28-30, subscribers specify what they want based on an event type and on the content criteria)

“and asynchronously receiving the other datatypes that have the key in their respective metadata responsive to subscribing to the other datatypes” (c. 5 l. 15-22, the publisher and subscriber operate asynchronously. Col. 2 l. 23-25, subscriber guaranteed to receive all events published on the system if and only if they match the subscription criteria specified by subscriber. Col. 16 lines 23-25, present invention may set up a joint territory agreeing upon some event types and a format to be shared. Col. 16 lines 25-27, the hubs connecting the two companies will only forward events of this joint territory, since the information is kept as part of the advertisement.).

Claim 2:

The method of claim 1, wherein the data is not published with the datatype (Col. 2 l. 23-25, all events published on the system if and only if they match the subscription criteria specified by subscriber.).

Claim 3:

The method of claim 1, wherein the reference to the data is a pointer (figure 6B, pointer to subscription. Telling where certain events should be sent to (col. 11 l. 56-61)).

Claim 4:

The method of claim 1, further comprising the step of: registering the datatype (c. 10 l. 66, registered publications).

Claim 5:

The method of claim 1, further comprising the step of: registering the key (c. 11 lines 24-25, subscriber registering a subscription).

Claim 6:

The method of claim 1, wherein the metadata includes a plurality of different keys (col. 3 l. 1-5, data structure created by the hub in accordance with subscriptions of the system).

Claims 7-12:

Claims 7-12 are rejected for similar reasons as claims 1-6 respectively.

Claim 13:

Bracho discloses the following claimed limitations:

a memory having a program that:

“providing a datatype having a metadata that describes a data and a reference to the data”

(col. 2 l. 64-67 to col. 3 l. 1-5, describes event types. Hub data structure (metadata describes data). Hub data structure indicates which neighbor hub is on a least cost path between publisher

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and subscriber. Hence reference to data) “the data being maintained separately from the datatype” (c. 2 l. 13-15, publisher’s publish events (data). Subscribers subscribe to events (data types) that match criteria defined by subscriber.), “the metadata including a key that enables the datatype to be joined with other datatypes having the key in their respective metadata” (c. 2 l. 23-25, each subscriber is guaranteed to receive all events published on the system if, and only if, they match the subscription criteria specified by the subscriber. Col. 16 lines 23-25, present invention may set up a joint territory agreeing upon some event types and a format to be shared. Col. 16 lines 25-27, the hubs connecting the two companies will only forward events of this joint territory, since the information is kept as part of the advertisement.); and

“publishes the datatype” (abstract, published events), “a subscriber asynchronously receiving the datatype responsive to subscribing to the datatype” (col. 2 l. 19-23, publication and subscription are preformed asynchronously. The system receives published event from a publisher and routes the event to all appropriate subscribers), “subscribing to the other datatypes responsive to identifying the key in the received data type” (col. 5 l. 28-30, subscribers specify what they want based on an event type and on the content critieria) “and asynchronously receiving the other datatypes that have the key in their respective metadata responsive to subscribing to the other datatypes” (c. 5 l. 15-22, the publisher and subscriber operate asynchronously. Col. 2 l. 23-25, subscriber guaranteed to receive all events published on the system if and only if they match the subscription criteria specified by subscriber. Col. 16 lines 23-25, present invention may set up a joint territory agreeing upon some event types and a format to be shared. Col. 16 lines 25-27, the hubs connecting the two companies will only

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forward events of this joint territory, since the information is kept as part of the advertisement);
and

“a processing unit that runs the program” (col. 4 l. 65-67, executed by a processor of the computer in which the software is stored)

Claim 14:

Claim 14 is rejected for similar reasons as claim 1.

Response to Arguments

8. Applicant's arguments filed 7/24/07 have been fully considered but they are not persuasive. Applicant's assert the following (lettered):

A. Applicant appear to assert claims 1, 7, 13, and 14 are not taught specifically “the metadata including a key that enables the datatype to be joined with other datatypes having the key in their respective meatdata” and “asynchronously receiving the other datatypes that have the key in their respective metadata responsive to subscribing to the other datatypes.” That this is because col. 2 l. 23-25 and col. 5 lines 15-22 merely describe that Bracho's subscriber is guaranteed to receive events to which it subscribes from the publisher. That therefore, Bracho does not disclose a subscriber receiving a datatype and then subscribing to other datatypes based on a key identified in the first-received data type.

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In response the examiner respectfully disagrees. Bracho discloses col. 2 lines 23-25, subscriber guaranteed to receive all events published on the system if and only if they match the subscription criteria specified by subscriber. Bracho discloses col. 5 lines 15-22, the publisher and subscriber operate asynchronously. Bracho, further discloses col. 15 line 66-67, each territory is a collection of hubs with a common event dictionary. Col. 16 lines 23-25, present invention may set up a joint territory agreeing upon some event types and a format to be shared. Col. 16 lines 25-27, the hubs connecting the two companies will only forward events of this joint territory, since the information is kept as part of the advertisement. Accordingly, the metadata including a key (col. 16 lines 23-25, common event dictionary) that enables the datatype to be joined with other datatypes (col. 16 lines 25-27, forward events of joint territory) having the key in their respective metadata (col. 16 lines 23-25, agreeing upon some event types and a format to be shared) and asynchronously receiving the other datatypes (col. 5 lines 15-22, publisher and subscriber operate asynchronously) that have the key in their respective metadata (col. 15 lines 66-67, common event dictionary) responsive to subscribing to the other datatypes (col. 16 lines 25-27, forward events of joint territory) is suggested. Therefore, applicant's assertions directed towards the claimed invention is unpersuasive over the cited reference.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a subscriber receiving a datatype and then subscribing to other datatypes based on a key identified in the first-received data type) are not recited in the rejected claim(s). Although the claims are interpreted in

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light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

9. The prior art made of record listed on PTO-892 and not relied, if any, upon is considered pertinent to applicant's disclosure.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

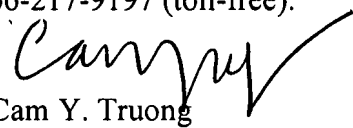
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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